

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) CIVIL NO. 3:10-cv-00747
v.) JUDGE HAYNES
)
EBONY WOOD IN VARIOUS FORMS,)
)
Defendant.)

**GOVERNMENT RESPONSE TO GIBSON GUITAR CORP.'S NOTICE THAT ITS
MOTION TO DISMISS IS FULLY BRIEFED AND READY FOR DECISION**

Comes now the plaintiff, United States of America, by and through its attorneys, Jerry E. Martin, United States Attorney for the Middle District of Tennessee, and Debra Teufel Phillips, Assistant United States Attorney, and hereby responds to Gibson Guitar Corp., Inc. ("Gibson") Notice That Its Motion to Dismiss is Fully Briefed and Ready for Decision as follows:

Gibson provided a set of answers to the Special Interrogatories on January 24, 2011. It is the position of the United States that Gibson has not fully answered the Special Interrogatories, and the undersigned was under the impression that additional discussion would be had on whether the Special Interrogatories were fully answered. After a discussion today with Gibson attorneys, Gibson has agreed to take a second look at Special Interrogatory No. 2. In Special Interrogatory No. 2, the United States sought a description of the exact condition of the seized items at the time of its receipt at Gibson's facility at 641 Massman Drive, Nashville, Tennessee, including what had been done to the product and what remained to be done, whether at Gibson or elsewhere. It is the position of the United States that this description is probative on the issue of standing and whether the wood was

a finished product or unfinished product and therefore contraband. Gibson attorneys have advised that they will provide further direction by Wednesday, February 23, 2011 regarding this issue.

Respectfully submitted,

JERRY E. MARTIN
United States Attorney for the
Middle District of Tennessee

By: s/ Debra Teufel Phillips
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of February, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was mailed by regular U.S. Mail to:

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